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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Charles R. Breyer, Judge

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.)	NO. CR 3:18-CR-00577-CRB-1,2
)	
Michael Richard Lynch and)	
Stephen Keith Chamberlain,)	
)	
Defendants.)	
_____)	

San Francisco, California
Friday, November 3, 2023

TRANSCRIPT OF ZOOM VIDEO PROCEEDINGS

APPEARANCES:

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(Appearances continued on Page 2.)

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ATTORNEYS AT LAW

Reported By: Stephen W. Franklin, RMR, CRR, CPE
Official Reporter

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Friday, November 3, 2023, at 10:07 a.m.

P R O C E E D I N G S

THE COURTROOM DEPUTY: The next matter is USA versus Michael Richard Lynch and Stephen Keith Chamberlain. I will promote the panelists.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Are there any other parties that need to be promoted that are participating this morning?

THE COURT: Well, I think Mr. Lincenberg is.

THE COURTROOM DEPUTY: There he is.

Calling criminal action CR-18-0577, USA versus Michael Richard Lynch and Stephen Keith Chamberlain. Counsel, please state your appearances.

MR. LEACH: Good morning, Your Honor. Robert Leach for the United States. I'm joined on the video by Adam Reeves.

THE COURT: Good morning.

MR. MORVILLO: Good morning, Your Honor. Chris Morvillo and Reid Weingarten for Michael Lynch, who is also present, although I don't see him on the screen here.

THE COURT: Well, let's see if we can promote him to be present.

THE COURTROOM DEPUTY: Can you raise your hand if you are present so I can promote you, please?

Do we know what user name he's using?

MR. MORVILLO: I don't, Ms. Scott, but let me see if

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1 I can find out.

2 **THE COURTROOM DEPUTY:** Okay.

3 **MR. LINCENBERG:** Good morning, this is Gary
4 Lincenberg and Michael Landman. Our client, Mr. Chamberlain,
5 is present remotely onscreen. Mr. Landman will be arguing the
6 matter for Mr. Chamberlain this morning, Your Honor.

7 **THE COURT:** Let's see if we can get Dr. Lynch.

8 **THE COURTROOM DEPUTY:** Mr. Lynch, if you are present,
9 if you could use the "raise hand" feature, I can promote you
10 into the panel.

11 Charlotte Golunski is raising her hand.

12 **MR. MORVILLO:** That would be him, Ms. Scott.

13 **THE COURTROOM DEPUTY:** Okay. Thank you.

14 **MR. MORVILLO:** Thank you.

15 There we go, Judge.

16 **THE COURT:** Okay. All right. So let the record show
17 that we have all counsel and parties.

18 Mr. Chamberlain, Mr. Lynch, you have a right to be
19 personally present in front of the Court at the proceeding, but
20 your counsel has indicated that you are willing to participate
21 by Zoom. Is that satisfactory for each of you? You're muted,
22 so you have to unmute yourselves so I can hear your response.

23 Mr. Chamberlain, is that satisfactory?

24 **DEFENDANT CHAMBERLAIN:** That's fine. Thank you, sir.

25 **THE COURT:** Okay. And Mr. Lynch, is that

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1 satisfactory?

2 **DEFENDANT LYNCH:** Yes, it is.

3 **THE COURT:** Okay. Thank you.

4 So this matter is on, it's sort of truncated because
5 the parties wanted an earlier response from the Court in terms
6 of the Rule 15 depositions, and the Court has read and
7 considered the submissions of the parties with respect to a
8 showing with respect to the question of whether the Court
9 should order these depositions. There -- I understand there
10 are some depositions which are, by way of agreement, going to
11 be taken; some which -- or one which Mr. Chamberlain's counsel
12 has requested. And then I don't know whether the number is
13 four or five that the government has requested as it relates
14 basically to Mr. Lynch. Is that correct, Counsel? I know
15 there were four, I just wondered whether there was five.

16 **MR. LEACH:** Your Honor, if I may, there's three that
17 Mr. Chamberlain and the government have stipulated to that
18 Dr. Lynch is not objecting to, there is an additional one that
19 Mr. Chamberlain is seeking that the government opposes, and
20 then the government is moving for six additional Rule 15
21 depositions.

22 **THE COURT:** Okay. So let me deal with
23 Mr. Chamberlain's request as to the deposition. It's actually
24 twofold.

25 First, he asks that I order the deponent to be

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1 deposed based upon an agreement that was arrived at between the
2 company and the potential deponent, right? I mean, I think
3 that's one of the two bases. Is that correct, Mr. -- maybe
4 Mr. Landman?

5 **MR. LANDMAN:** Your Honor, if I may, the principal
6 request is that the Court order the government to secure the
7 attendance of Mr. Knight at trial.

8 **THE COURT:** Right.

9 **MR. LANDMAN:** It's Mr. Chamberlain's preference that
10 he be a trial witness and that there be no need to take his
11 Rule 15 deposition. And Your Honor's correct that the request
12 is based on the government's cooperation agreement with
13 Deloitte, which, in Mr. Chamberlain's view, requires Deloitte
14 to produce Mr. Knight, a current Deloitte partner, to testify
15 at trial.

16 **THE COURT:** Right. And it's my view, after reviewing
17 the agreement, that the Court is not going to order the
18 government to produce this person in light of the fact that
19 what -- exactly what the agreement says. I understand that
20 it'd have to be almost by way of extension, saying, well, since
21 the company has agreed to cooperate, and since this person is
22 associated with the company, therefore that forms the basis for
23 the Court's authority to order the government to direct that he
24 be present.

25 And by the way, we're talking about depositions,

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1 foreign depositions. I mean, this is not anybody that the
2 Court has particular jurisdiction over. They are all outside
3 the United States. Nevertheless -- so I'm not going to order
4 that. I am going to permit that part of the request dealing
5 with the Rule 15 deposition, so you may proceed with the Rule
6 15 deposition.

7 Now, to whatever extent the government can cooperate
8 in that endeavor, I would expect the government to cooperate in
9 that endeavor. You know, I don't know how it all works, to
10 tell you the truth, but there are mechanisms. The government
11 should assist in that regard. And, you know, that will be the
12 order. I assume the government --

13 What's happened to Mr. Leach? There you are.

14 I assume that the government can assist; is that
15 correct? Am I ... is it just, okay, good luck, go take the
16 deposition if you can get them and if you can secure it? I
17 don't want to hear that. I mean, that's not the way I want to
18 proceed.

19 So go ahead, Mr. Leach. In other words, what -- and
20 I could also ask Mr. Landman what's your expectation of what
21 the government can do. But go ahead. Let's find out what you
22 can do. We'll deal with it.

23 **MR. LEACH:** Your Honor, I'm not sure what I can do.
24 I can commit to not being an impediment. I'm not sure if our
25 treaty obligations with the UK permit or prohibit us from

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1 requesting a deposition for a defense witness. That's
2 something I can look into. It's also something that has
3 ramifications for other cases where, if the government somehow
4 has the right to do it, it therefore has the obligation to do
5 it in every case, and I can't make that commitment here, but --

6 **THE COURT:** Oh, nor should you. I mean, I want to
7 make sure -- I want to make sure that there's no impediment. I
8 want to make -- which, you've given me that assurance. If it's
9 a question of transmitting papers or however the mechanics are,
10 I would expect the government to cooperate with Mr. Landman in
11 that effort. However, the responsibility for securing the
12 deposition rests with the defendant, as it does with every --
13 basically with every witness. The party, the proponent of the
14 testimony has the obligation to essentially secure the deponent
15 or the witness. I'm not going to shift the burden because the
16 defendant -- because the witness happens to be outside the
17 United States. The burden remains the same, but I want to make
18 sure that there isn't any -- nor would I expect any impediment.
19 I'm quite certain there won't be.

20 So is it clear, Mr. Landman, that what -- how we're
21 leaving it with this individual?

22 **MR. LANDMAN:** Yes, yes, Your Honor. I'd just like to
23 add one element to this, if you may.

24 **THE COURT:** Please.

25 **MR. LANDMAN:** Or "if I may," I should say.

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1 The -- and Mr. Chamberlain appreciates the Court's
2 order for the Rule 15 deposition and just wanted to address the
3 manner in which the government may be able to provide
4 additional assistance in securing that Rule 15 deposition.

5 **THE COURT:** And I'm going to suggest that you have a
6 conversation --

7 **MR. LANDMAN:** Okay.

8 **THE COURT:** -- with Mr. Leach, and if you're able to
9 arrive at an accommodation, that's fine. And if not, come back
10 to me. Okay? I don't want to get anything on the record and
11 get into a big discussion about it at this point, because maybe
12 you'll be able to get that which you are seeking, maybe you'll
13 be able to get it by way of a conversation. Okay?

14 **MR. LANDMAN:** Understood. Thank you, Your Honor.

15 **THE COURT:** Okay. I'll address who's going to be
16 present in the depositions in a moment. I want to deal with
17 Mr. Lynch's request. I mean, pardon me, the government's
18 request is the six witnesses.

19 Essentially as I understand the opposition to it --
20 well, first of all, you know, the Court would have to find
21 under Rule 15 that there are exceptional circumstances that in
22 the interests of justice it should be done, and that's defined,
23 "in the interests of justice," by certain -- by cases that, you
24 know, you have to show materiality, you have to show
25 unavailability, you have to show -- well, and then into the mix

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1 comes the question of whether it's cumulative. And that's what
2 I addressed when I sent out my supplemental order, my second
3 order, because I was and I remain persuaded that these six
4 witnesses have material evidence to give and that these are
5 exceptional circumstances. They are out of the country. They
6 would be unavailable unless they voluntarily elected to come
7 here, and they've all indicated that they would not voluntarily
8 elect to come to the United States.

9 So I would find -- and by the way, I'm going to write
10 something on this subject when we finish our discussion so
11 you'll have it in writing as to what I've found and so forth.

12 Now, the issue that was basically addressed by
13 Mr. Lynch's counsel was, is it cumulative. Well, they don't
14 say, is it cumulative, they say it is cumulative. That's one
15 of their objections. There are also other objections which I
16 think are essentially logistical objections, and I'm not saying
17 they're not appropriate, but they fall into a separate
18 category.

19 Let's take a look at the -- let's examine the issue
20 of cumulative. As to some of these witnesses arguably it could
21 be cumulative, but here is the problem. And I'm talking to a
22 whole group of trial lawyers, so you know it just as I know it.
23 Whether a witness is cumulative by and large depends on two
24 things, neither -- well, some can be -- one can be addressed
25 pretrial and one cannot.

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1 If the testimony of the proposed witness is an issue
2 to which there is no challenge -- that is, it's almost by way
3 of stipulation -- and some other witness is going to testify as
4 to "X," is not going to be challenged, then I would say, all
5 right, then you could make perhaps a very convincing argument
6 that it's cumulative. Two people testifying as to the same
7 thing, in which one person has testified and there's no
8 challenge to the testimony, the second person is cumulative to
9 the first.

10 But then of course it's a function of how significant
11 is the testimony in and of itself, because the government isn't
12 limited in its presentation of a case to one witness, one
13 issue, even if it's not challenged, because guess what happens
14 in the jury room? What happens in the jury room is somebody
15 says, well, so-and-so testified to it, but didn't they have
16 other people who could also testify to it; it's weak, or I
17 didn't find it convincing.

18 And that goes to the second part of the question
19 about whether something's cumulative or not. It depends on how
20 credible or convincing the testimony is or the evidence is of a
21 noncumulative witness. That is to say, you know, somebody --
22 you could have two witnesses testify to the same thing, perhaps
23 not challenge, but testimony of witness number 1 is, for one
24 reason or another, not terribly convincing, whatever the
25 reasons are. Doesn't have a good demeanor, has a horse in the

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1 race, all sorts of things that go to credibility. And that's
2 something that you don't know until the commencement of the
3 trial or the presentation of the case, and of course we know at
4 that point it's simply too late to do that which you are
5 contemplating doing now.

6 So I'm saying that in terms of my understanding of
7 the objection that it's cumulative, it's as follows: It could
8 be, but it doesn't necessarily appear as to what was presented
9 to me as obviously cumulative. So for that -- and it's
10 material. So for that reason, and others, I'm going to permit
11 the government to take these depositions as requested. Whether
12 they ultimately come into evidence is something that obviously
13 that will be ruled on another day.

14 Now, let's talk about the presence of the defendants.

15 As to Mr. Chamberlain, he obviously can attend in
16 person, and if his bond needs to be -- his terms of release
17 need to be adjusted -- they don't, I'm getting a sense they
18 don't, but if they do, I would do so. And also, also he can
19 appear by Zoom. He doesn't need to. It's his choice, his
20 lawyers' choice, but I'm not excluding him from the possibility
21 of being personally present during the deposition.

22 Dr. Lynch presents a separate problem, and I think to
23 me it's fairly obvious. I don't think that there's any change
24 in circumstances from when I set the conditions of his release,
25 so I'm not going to permit him to be personally present.

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1 I'm going to, under Rule 15(c)(3), I will make the
2 findings requisite, and they'll be in my order, which would, in
3 the Court's view, satisfy the requirement that the defendant
4 participate if he wishes to by way of Zoom. And again, I will
5 say what I've said earlier in connection with Mr. Chamberlain's
6 request, I want to make sure that the government cooperates in
7 terms of the logistical requirements, so that Dr. Lynch can
8 have a meaningful participation with his counsel. It may
9 require setting up a separate channel for communications, and
10 so forth, during the course of the deposition. That's
11 something that's done. I mean, it's not -- not talking about
12 some -- that we need some technological breakthrough here.
13 It's easy enough to do. However, I want the government to be
14 able to work with Mr. Morvillo or whoever's going to be
15 representing Dr. Lynch in these depositions.

16 So I will write what I consider to be all the reasons
17 in an order, because I think that the parties are entitled to
18 have one, and I've gone through it and done the work. On the
19 other hand, I did not want to impede the logistical preparation
20 of this, and that's actually why you did come in on
21 November 3rd, because you need this time.

22 I will give one overall caveat. It is -- I am --
23 let's see, how do I say this? In part, my decision is based on
24 the fact that I have received assurances from the government
25 that this will not delay the commencement of the trial, and so

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1 I have that in mind. I don't know how these things work out.
2 That is to say, I don't know whether it's going to be easy,
3 rather difficult, but that's like not my concern. My concern
4 is that I grant it in sufficient time that the government can
5 avail itself of that opportunity, but the understanding is that
6 I would not be sympathetic to a request that in light of any of
7 these depositions, a trial date be postponed or continued.

8 Now, I'm not -- I don't sit here today and give an
9 edict that I'll never change the trial date, because those
10 grand statements run up against conditions subsequent. So, but
11 I think it's important that you understand that I'm not going
12 to change the trial date. You then be guided accordingly.

13 Okay. After saying all of that, and with the
14 understanding that I'm going to write something, does anybody
15 have a question?

16 **MR. MORVILLO:** Your Honor, can I briefly be heard on
17 some of the points you raised?

18 **THE COURT:** Absolutely.

19 **MR. MORVILLO:** Thank you very much.

20 So I'll start with the last point you made with
21 respect to the trial date and simply note that I'm unaware that
22 the government has given an assurance that it can get all of
23 this done by the trial date. I think all the government said,
24 as far as I understand, is that they can use a mutual legal
25 assistance treaty to accomplish the depositions. I do not

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1 believe that they said that it would have no impact on the
2 trial date.

3 **THE COURT:** Well, I was under -- let me just stop you
4 there, Mr. Morvillo, because I think I need to clarify that.

5 What is the government saying? I did think that you
6 were saying that this is not going to interfere with the trial
7 date, but Mr. Morvillo may be correct. Maybe you never said
8 that, and maybe it's judicial wishful thinking. So what's your
9 response there, Mr. Leach?

10 **MR. LEACH:** Your Honor, we are not seeking to move
11 the trial dates. Our desire is to accomplish all of these
12 depositions under the current schedule. Our belief is that
13 it's doable. Our belief is that we have set out the last two
14 weeks of January in order to accomplish this, and the
15 government is undertaking steps to make that happen, and we are
16 not seeking to move the trial date. We think we can accomplish
17 all of this within the trial period, and we understand the
18 Court's admonition that if it doesn't happen, our choices have
19 to be made there. But we're not seeking to move the trial
20 date. We're taking every step we can to make this happen in
21 the UK according to the current schedule.

22 **THE COURT:** Okay. All right. That's -- that
23 understanding is satisfactory to me.

24 Mr. Morvillo.

25 **MR. MORVILLO:** Yes, Your Honor.

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1 I would be remiss if I did not say that I don't share
2 the government's optimism that the MLI process can happen as
3 quickly as it needs to with respect to those four witnesses,
4 and probably including Mr. Knight, that will require some
5 compulsion. I have an understanding of what that process
6 entails, and if witnesses need to be compelled, there is quite
7 a lengthy process and procedural hurdles that will need to be
8 crossed, including involvement of a court in England, a
9 requirement that the testimony, if compelled, be conducted in a
10 courtroom under the supervision of a judge. I don't believe in
11 England that that can be videotaped. I believe it's just going
12 to be a transcript. There are requirements that questions be
13 submitted in advance. And so I think there is a significant
14 question here as to whether this can all be accomplished. I
15 hope to be proven wrong.

16 The concern obviously in circumstances where we are
17 trying to get all of this done in January and there is
18 uncertainty as to whether this will be accomplished through
19 this diplomatic process that's going to be needed for at least
20 four or five of these witnesses adds to what I would
21 characterize as the unfairness of starting the trial in
22 January.

23 There -- putting aside whether these witnesses are
24 cumulative, and we can argue about that down the road given
25 what the Court has said, we are now in a situation where

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1 critical witnesses, from the government's perspective, will be
2 testifying in January, two months before opening statements
3 here, and that will require the defense to disclose evidence,
4 defense theories and strategies long in advance of opening
5 statements, and given that there are numerous witnesses who can
6 testify to these subjects in court the traditional way, by
7 coming in front of a jury and answering questions under
8 examination, that will allow the government the unfair
9 advantage of trying to fix problems that it anticipates based
10 on---

11 **THE COURT:** Well, Mr. Morvillo, isn't that true in
12 every case where Rule 15 depositions are ordered? I mean, you
13 don't -- I suppose it can be done during the course of the
14 proceedings. I understand that. That's a possibility. But I
15 also understand you've got jurors and you have a trial going
16 on. So, but I think -- I think there are plenty of cases where
17 exactly what you're complaining about is -- occurs. I
18 understand that. I understand that. Isn't that the rule? I
19 mean --

20 **MR. MORVILLO:** It certainly is presumed by the
21 existence of Rule 15, Your Honor.

22 My point is that in this case, with the complexity of
23 these witnesses, the fact that the Court has ruled that my
24 client cannot attend, there are impediments and fairness
25 considerations that implicate the interests of justice here.

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1 **THE COURT:** Okay. I would also say that a rather
2 narrow, my view was when I read what the government proposed
3 that these witnesses would be testifying about, it seemed
4 somewhat narrow and tailored. It didn't seem to encompass,
5 you know, the breadth of the case or anywhere near the breadth
6 of the case, assuming it's a broad case. I mean, I'm not
7 commenting on what's key and what isn't key. It seemed fairly
8 narrow. Seemed fairly tailored. And so I think that that goes
9 to some extent to your objection.

10 **MR. MORVILLO:** I don't necessarily share your
11 optimism on the narrowness of some of these witnesses, and I
12 will point out just for example that there is a -- an entirely
13 new count in this case, count 17, that was not present in the
14 Hussain trial. It's an alleged post-acquisition conspiracy to
15 obstruct justice that spanned seven years and 17 overt acts.
16 Several of the witnesses that are going to be deposed under the
17 Court's order, Mr. Lucini, Mr. Blanchflower, Mr. Goodfellow,
18 Mr. Black, Ms. Harris, Ms. Gustafsson, they're all relevant to
19 that count.

20 And so whatever estimate of time based on the
21 testimony in the Hussain case, I think you need to include an
22 additional amount of examination and scope with respect to
23 those witnesses.

24 **THE COURT:** Well, I must say I'm not restricting -- I
25 hadn't thought that I had to restrict or was even considering

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1 restricting cross-examination of these witnesses, you know, by
2 you or your co-counsel. I mean, that didn't -- that's not part
3 of my -- that's not part of my thought process.

4 Now, if you're saying, well, the direct as suggested
5 by the government will be, you know, on a certain subject at a
6 certain time, but these witnesses are conversant about some of
7 the other allegations that are in the indictment, or some of
8 the counts in the indictment or it's somehow related to the
9 indictment and we want to ask them those questions, we want to
10 elicit that testimony, you know, unless -- I don't know what
11 the government's position is, but I would think that's
12 something that maybe we should talk about later on, not today.
13 But if you're going to raise that, then I think that I -- and,
14 and the government takes a different view -- I don't know what
15 view they're going to take, but if they take a different view
16 that you should be restricted in your examination basically to
17 the direct examination as distinct from the scope of the
18 indictment, then that's something that I think I have to weigh
19 in on, and I will, but I'm not doing it today.

20 **MR. MORVILLO:** We're only asking --

21 **THE COURT:** I appreciate the heads up. I mean,
22 you're just ... that's why you're good. Yeah, okay. I see it.

23 **MR. MORVILLO:** Nor are we asking you to make that
24 ruling today, Judge. But of course what you're saying
25 dovetails with another point, which is these depositions are

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1 all going to be occurring simultaneously with the filing of
2 motions in limine, which we'll be seeking to preclude or admit
3 certain types of evidence. That will not be resolved by the
4 time these depositions occur, and that could allow for
5 additional delay once we come back after having taken 10
6 depositions, one of which apparently is in Australia, with
7 hundreds and hundreds of objections and requests to eliminate
8 or restrict admissibility, there's a certain amount of
9 inefficiency and unfairness to that, as well.

10 So, but I'm not sitting here asking for the Court to
11 rule on scope of cross, et cetera, for any of these witnesses,
12 but I flag it for Your Honor as a question that will need to be
13 resolved once these depositions conclude in late January before
14 the trial starts in March.

15 **THE COURT:** I'm clearing the decks. I'm clearing the
16 decks. You're going to see a lot of me in February, and you
17 all have to clear the decks, too.

18 **MR. MORVILLO:** Your Honor, so to the point about
19 delay, would the Court consider setting a deadline by which
20 these depositions have to occur?

21 **THE COURT:** No, no, not now. You can come back. I'm
22 not going to do that. I'm not involved in the process. If
23 it's set at a certain time and you feel that that's unfair, you
24 can come in. You can come in.

25 **MR. MORVILLO:** No, it's really more that we are

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1 planning for January, but if this is -- MLI process looks like
2 it's going to take until the end of February or into March,
3 while we are obviously trying to prepare for opening statements
4 and jury selection, that would also be an unfair burden to
5 place on the parties, and particularly the defense.

6 **THE COURT:** If the process evolves into a position
7 that you feel you're being unfairly treated by these
8 circumstances, I'm here. You come in. I don't like doing
9 things in, you know, what if this happens, what if that
10 happens. I just don't like doing that for the obvious reasons.

11 **MR. MORVILLO:** Well, I don't like doing it either,
12 Your Honor.

13 **THE COURT:** No obvious. They're obvious to me.

14 **MR. MORVILLO:** The -- I don't pretend to see the
15 future, but I have a feeling that we may be back in front of
16 you talking about this issue at some point.

17 **THE COURT:** Well, Mr. Morvillo, it's always a
18 pleasure to have you before me.

19 **MR. MORVILLO:** Thank you, Your Honor.

20 **THE COURT:** That may not be reciprocally felt, but it
21 is.

22 Anything else? Yes, anything else?

23 **MR. LEACH:** No, Your Honor. Just to comment that
24 we're pleased to coordinate on logistics with the defense, and
25 we'll do everything we can to coordinate as --

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1 **THE COURT:** So if I have to sign orders and so forth,
2 or subpoenas -- I have no idea. I've never done this before.
3 But obviously I'll be here next week, and anything that needs
4 to be done you can advise me of that. Okay?

5 **MR. LINCENBERG:** Your Honor, three --

6 **THE COURT:** But I will get out -- I'll get out an
7 order either today or Monday that will reflect these
8 proceedings.

9 **MR. LINCENBERG:** Your Honor, three short points. The
10 first is the most important, that you should not be working
11 today. Happy birthday.

12 **THE COURT:** Oh, thank you very much.

13 Well, look, given the alternatives, I'm glad I'm
14 here.

15 **MR. LINCENBERG:** Yeah.

16 Second, there is a hearing on November 29th dealing
17 with legal issues, motion to dismiss.

18 **THE COURT:** Yeah.

19 **MR. LINCENBERG:** And I -- it was unclear to me
20 whether the Court was -- whether it was okay for
21 Mr. Chamberlain to appear remotely for that hearing.

22 **THE COURT:** No, I want the defendants to be
23 personally present, both defendants.

24 **MR. LINCENBERG:** Okay. Okay. I wasn't sure, since
25 it was strictly --

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1 **THE COURT:** Yeah, I -- and I may have been -- I may
2 not have been clear on that.

3 **MR. LINCENBERG:** Okay.

4 **THE COURT:** I really want Zoom to be the exception
5 rather than the rule.

6 **MR. LINCENBERG:** Your Honor, that's fine. You
7 know --

8 **THE COURT:** Pardon me?

9 **MR. LINCENBERG:** That's fine.
10 You know, I'll express my view on it. Given the
11 logistics, and because of -- just because of, you know, how
12 travel has to be arranged and so forth because bail, it
13 sometimes takes some time. I thought since it was strictly a
14 legal issue I'd raise it. But we're fine. We'll have
15 Mr. Chamberlain present in court for the 29th.

16 Third quick point is I believe that there's no
17 restriction on Mr. Chamberlain flying to Australia. There is a
18 deposition which apparently is going to take place in
19 Australia. I -- it might be helpful to hear from government
20 counsel.

21 **THE COURT:** Well, if he has to travel, simply put in
22 a request.

23 **MR. LINCENBERG:** Okay.

24 **THE COURT:** And I'll act on it right away. But it is
25 my intention to allow Mr. Chamberlain to travel as required.

PROCEEDINGS

MR. MORVILLO: Okay. All right.

THE COURT: Thank you very much, everybody.

VOICES: Thank you, Your Honor.

THE COURT: Okay. We're in recess.

(Proceedings concluded at 10:45 a.m.)

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CERTIFICATE OF REPORTER

I, Stephen W. Franklin, Registered Merit Reporter, and
Certified Realtime Reporter, certify that the foregoing is a
correct transcript, to the best of my ability, from the record
of proceedings in the above-entitled matter.

Dated this 6th day of DECEMBER, 2023.


Stephen W. Franklin, RMR, CRR